



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



341069

JUL 15 1994

REPLY TO THE ATTENTION OF:
HSE - 5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Sanitary Transfer & Landfill (WID988610176)
Delafield, Wisconsin
General Notice of Potential Liability and
Request for Information

Dear Mr. Nickel:

The United States Environmental Protection Agency (USEPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced Site, and is planning to spend public funds to control and investigate these releases. This action will be taken by the USEPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq., (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless the USEPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where the Agency uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement.

The USEPA is currently planning to conduct the following actions at the above referenced Site.

1. Provide and install water treatment systems in residential and/or commercial units which have exceeded the proposed Maximum Contaminant Level (MCL) and Removal Action Level (RAL) of 200 parts per billion (ppb) for Manganese. This action is currently required at the following locations:

1. 2831 Hwy CCC and 2715 Clover St., which share a common well, and
 2. N15 W30921 Hwy CCC.
2. Conduct perimeter air monitoring to determine if hazardous substances, specifically vinyl chloride, are being emitted from the methane gas vents.
 3. Survey residential homes along the landfill perimeter to determine if methane migration is posing an imminent and substantial endangerment to the residents.

The USEPA has received information that you and/or your company may have owned or operated or transported hazardous substances that were disposed of at the Site. By this letter, the USEPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse the USEPA for costs incurred to date and to voluntarily perform or finance the response activities that the USEPA has determined or will determine are required at the Site.

As a potentially responsible party, you should notify the USEPA in writing within 14 days of receipt of this letter of your willingness to perform or finance the activities described above. If the USEPA does not receive a timely response, the USEPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that your organization has declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, the USEPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the USEPA has the authority to require any person who has or may have information relevant to any of the following to furnish the USEPA with such information: (1) the identification, nature or quantity of materials which have been

or are generated, treated, stored or disposed of at, or transported to, a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup. Pursuant to CERCLA Section 104(e), you are hereby requested to submit the following information concerning the Sanitary Transfer & Landfill Site on Route 1, N14 W30721 South Service Road, in Delafield, Wisconsin.

1. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling waste, including but not limited to hazardous substances or materials at the Site.

2. State the dates during which you owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (e.g., deeds, leases, etc.).

3. Provide copies of all shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials or substances at the above referenced Site.

4. A detailed description of the generic common and/or trade name and the chemical composition and character (i.e., liquid, solid, sludge) of the waste material received or transported by you to the above referenced Site.

5. For each hazardous substance above, please give the total volume, in gallons for liquids and in cubic meters for solids, for which you transported or received for disposal and list when those substances were transported to the above referenced Site.

6. Who were the transporters that hauled waste, including but not limited to hazardous substances to the above referenced Site? What type of transportation was used (i.e. tankers, dump trucks, drums)?

7. Who were the generators of waste, including but not limited to, hazardous substances that were disposed of at the above referenced site? Provide their current or last known addresses.

8. Provide copies of all records, including analytical results, and material safety data sheets, which indicate the identity, amounts and chemical composition and/or chemical character of the waste material(s) transported to, stored or disposed of at the above referenced Site or offered for transportation to, storage or disposal at the Site.

9. Provide a list description of all liability insurance coverage that is and was carried by you including any self insurance provisions, that relates to waste, including but not limited to hazardous substances and/or the above referenced Site and copies of all of these insurance policies.

10. Provide copies of all income tax returns as filed to the Federal Internal Revenue Service in the last three years.

11. If Respondent is a Corporation, respond to the following requests:

a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service.

c) Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.

12. If Respondent is a Partnership, provide copies of the Partnership Agreement.

13. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.

14. Provide information regarding any other corporations or businesses in which Respondent is currently involved or has an interest.

15. For each hazardous substance please give the location at which it was disposed on the Site. Please include a map of the Site with disposal locations on it.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation of the above referenced Site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Site. The relevant time period for this request is 1955-1979.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from, the above

referenced Site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification material of any kind.

This request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities and their officers, directors, and employees. The information sought herein must be sent to the USEPA within thirty (30) calendar days of your receipt of this letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to respond, may result in an enforcement action against you by the USEPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the USEPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to the USEPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify the USEPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. Section 1001. The USEPA has the authority to use the information requested herein in any administrative, civil or criminal action.

Your responses to both the notice of potential liability 14 days and the information requests (30) days, should be sent to:

Debora Dawley
USEPA - Region 5
Emergency Support Section HSE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

If you need further information regarding this letter, you may contact Debora Dawley, Emergency Support Section, at (312) 886-7179. Direct any legal questions to Larry Johnson, of the Office of Regional Counsel at (312) 886-6609.

Due to the nature of the problem at this site and the attendant legal ramifications, the USEPA strongly encourages you to submit a written responses within the time frames specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Rich C. Karl".

Richard C. Karl, Chief
Emergency & Enforcement Response Branch

bcc: ORC, Larry Johnson (CS-29A)
OSC, Brad Benning (HSE2-5J)
SAM, Reiniero Rivera (HSE-5J)
RPM, Tom Poy (HSRW-6J)
Jose Cisneros, ESS (HSES-5J)
Debora Dawley, ESS (HSES-5J)
Susan Pastor, Public Affairs (P-19J)
Don Henne, Department of Interior
Alicia Corley, SETS (OS505)
EERB Site File
EERB Read File
Fred Policarpio (HSRLT-5J) w/o attachments
Oliver Warnsley, RP-CRU (HSM-5J)
Meg Raatz
Wisconsin DNR, SW3
101 S. Webster St.
Madison, WI 53707
Lorraine C. Stoltzfus, Assistant Attorney General
State of Wisconsin Department of Justice
123 West Washington Ave.
Madison, WI 53707

Mailing Instructions:

- Please mail only one certified letter to each addressee on respondent list; do not include bcc list with certified letters to addressees.
- BCCs should receive a copy of one complete letter, along with the respondent and bcc lists.

LIST OF RESPONDENTS RECEIVING GENERAL NOTICE FOR POTENTIAL
LIABILITY AND REQUEST FOR NOTIFICATION
RE: SANITARY TRANSFER & LANDFILL

Sanitary Transfer & Landfill
c/o Ronald W. Nickel
675 Lac LaBelle Drive
Oconomowoc, Wisconsin 53060

Ronald W. Nickel
675 Lac LaBelle Drive
Oconomowoc, Wisconsin 53060

Sanitary Transfer & Landfill
c/o Ronald W. Nickel
8649 East San Lucas Drive
Scottsdale, Arizona 85258

Ronald W. Nickel
8649 East San Lucas Drive
Scottsdale, Arizona 85258

Ronald W. Nickel
c/o Scott Fleming, Atty.
Weiss Berzowski Grady & Donohue
700 North Water Street, Suite 1500
Milwaukee, Wisconsin 53202

Sanitary Transfer & Landfill
c/o Walter Nickel
411 W 725N
Logan, Utah 84321

Walter Nickel
411 W 725N
Logan, Utah 84321